

## MATTEO IRON &amp; METAL SITE

Site Background

The Matteo Property is comprised of approximately 80 acres and is located in West Deptford Township, Gloucester County.

On October 5, 1972, the Department made an inspection of this site and found that Matteo was "...disposing of battery casings by dumping them into the swamp next to the Horseshoe Branch of Hessian Run." The Department informed Matteo they were running an illegal landfill and that it must be registered with the Department. The required application for registration of the landfill operation was submitted to the Department and a letter of approval was also received from West Deptford Township for the disposal operation. However, since they were planning to recycle the casings, Matteo later requested that the application be withdrawn. An inspection report dated March 1, 1973, noted that the area in question was covered over as instructed by the Department and that there were approximately "...20 truckloads of unbroken washed battery cases (sic) on the landfill for recycling."

In 1975, the Department received a request from a neighboring citizen that something be done relative to the trash at the Matteo site. During an inspection, the owners were informed that the battery casings had to be moved away from the area of the stream and covered over where needed. The owner excavated a hole away from the water and dumped the crushed casings into it and covered them over.

A site visit in 1983 found three (3) loads of a white powder substance which was later identified as incinerator ash. Under a cover letter dated January 5, 1984, the Department issued an Administrative Order (AO) to Matteo requiring that all violations be corrected in compliance with the rules and regulations of the Department and offering a Penalty Settlement Offer (PSO). In a response dated January 12, 1984, Matteo payed the PSO and wished to assure the Department that its instructions would be followed as soon as they were received (by Matteo).

During an inspection conducted by the Department on May 22, 1984, one (1) sample was taken of a white powder-like material from the ground surface. It was noted that there were approximately 20 drums at the site.

On August 28, 1984, a total of three (3) samples were taken: two (2) from 55-gallon drums and one (1) soil sample. In a letter dated December 18, 1984, the Department informed Matteo that the analysis classified the materials samples as industrial wastes and must be disposed of at an authorized facility. Until 1991, there was no further activity on this case.

The Department received an anonymous telephone call on January 11, 1991 relative to potential dumping and having encountered buried crushed 55-gallon drums while excavating for the installation of an underground natural gas pipeline for Public Service Electric & Gas (PSE&G). The caller was concerned that he had been exposed to hazardous substances as a result. The Department's January 15, 1991 inspection revealed significant amounts of solid waste and other materials environmental concern.

During an inspection on March 11, 1991, the Department issued Notices of Violations to Matteo, with a deadline of April 11, 1991 to correct same.

As required by the Department, Matteo hired a consultant to develop and implement a Site Investigation Plan. In January, 1992, test pits were dug in the vicinity of the PSE&G pipeline and revealed petroleum odors, while the groundwater in others had sheens, and various-colored materials (viscous black liquid, a dry white powder, and a ubiquitous yellow material). Samples were taken from these test pits and analyses (dated February 26, 1992) revealed elevated levels of lead and total petroleum hydrocarbons (TPHCs) in the aqueous samples and arsenic, lead, and TPHCs in the soil samples.

By letter dated May 21, 1992, the Department informed Matteo that the release of hazardous substances had been documented at this site. Matteo was presented with the opportunity of entering into a Memorandum of Agreement with the Department and participating in the Voluntary Cleanup Program. In a letter dated June 22, 1992, the Department was notified by Matteo's attorney (Attorney 1) representing Matteo in this matter and wanted to set-up a meeting.

Following this meeting and the resultant evaluation, the Department informed Matteo, in a letter dated December 15, 1992, of the required groundwater investigation and that landfill closure was required. Enclosed with this letter was a narrative from the Department's geologist outlining the necessary monitoring well installations.

Under cover letter dated April 7, 1993, the Department sent Matteo a draft Administrative Consent Order (ACO) and requested that Matteo submit comments on this draft and a recommended dollar amount for financial assurance within 21 calendar days. In response to the ACO, a second attorney for Matteo (Attorney 2) notified the Department, by letter dated May 17, 1993, that did not believe his client could sign what he referred to as a blank check. In its response dated June 2, 1993, the Department stated that failure to reach a suitable agreement regarding the previously forwarded draft ACO might result in the initiation of enforcement actions and that public funds might be used to cleanup the site, with a cost recovery lawsuit for up to three (3) times the cost of the cleanup.

By letter dated May 18, 1993, Attorney 1 was informed that the Department was billing his client for the oversight costs it had incurred for this site; a schedule of monthly payments was set up to defer these oversight costs.

This case was transferred to the Division of Publicly Funded Site Remediation's (DPFSR) BSM on December 1, 1993. After repeated attempts to obtain access, the Matteo's attorney stated that they did not wish allow the Department to have access to the site for any type of site reconnaissance or sampling other than that of the two (2) potable wells, one (1) onsite and one (1) offsite. Utilizing public funds from the Department, sampling of these potable wells was performed in August, 1994 and the analyses revealed that the offsite well contained lead in a concentration which exceeded the maximum contaminant level for New Jersey Drinking Water Regulations. An Enforcement Action Request, dated May 11, 1995, was forwarded to the Division of Responsible Party Site Remediation for issuance of "pay" directive in the amount of \$150,000.

Following a referral from DPFSR, the Department's Bureau of Safe Drinking Water sent a letter dated March 15, 1995 to Donald Benedik, of the Gloucester County Health Department, indentifying this exceedance of said Regulations; James Matteo & Sons, Inc., was copied on this correspondence.

In August 1996 the Department conducted sampling of sediment, soil, surface water, and limited ground water to identify areas and media of concern. The results of this sampling showed contamination in all matrices.

In July 1997 the Department conducted sampling of surface soils to determine if dioxin was present at the site and the extent of PCB contamination. Analytical results did not confirm the presence of dioxin, but revealed additional areas of concern for PCB contamination.

**ACO NEGOTIATIONS  
SUMMARY SHEET**

Site Name: James Matteo & Sons, Inc.

Date: 2/5/93

aka: NA

EPA ID: NJD991304072

Remedial Lead: BFO

Case Manager: Nick Sodano, HSMS II

**1. Site Information**

Street Address: Route 295

Township: West Deptford

Municipality: "

County: Gloucester

Block: 128 Lot(s): 1 & 2

Block: 325 Lot(s): 2

Lat: Long:

Acreage: 80

**Surrounding Area Description (zoning, adjacent properties):**

The zoning is mixed. A trailer park is adjacent to the site. Otherwise the site is surrounded by the Horseshoe Branch creek and Route 295.

**2. Owner/Operator Information**

Owner Name: James Matteo & Sons, Inc.

Owner Address: 1708 US RT. 130

City: Thorofare

State: NJ

Zip Code: 08086

Operator Name: SAME

**3. Responsible Party/Discharge Information**

Responsible Party Contact Name: James Matteo

Responsible Party Mailing Address: SAME AS ABOVE

Entity/Type of Organization: Corporation

State of Incorporation:

Corporate Status:

Responsible Party's Relationship to Site: owner.

**4. Site History**

Description of Site (past and present activities, type of operations conducted):

Scrap business. Formerly heavily involved in vehicular batteries. Tons of battery casings were landfilled next to the Horseshoe Branch of Hessian Run Creek. File also reveals that the disposal activities included acceptance of domestic and industrial wastes on a large scale.

## ACO NEGOTIATIONS SUMMARY SHEET

James Matteo & Sons, Inc.

Page 2

### Site History

**Structures/Areas of Concern on Site (number and types of buildings, drum storage areas, tank farms, lagoons, underground storage tanks, etc.):**

Only area of concern presently is landfill which appears to be over 80 acres.

**Discuss Activities Linking Responsible Party to Hazardous Material Contamination (spill reports, inspection findings, soil sampling data, monitor well sampling data, potable supply well sampling data, etc.):**

File begins in early 70's and contains many documents which positively link the Matteo's to the buried waste on site. Sampling on 8/28/84 indicated that D008 and D001 hazardous waste was on site. Inexplicably, the file ends with the analytical data and does not start again until 1991. RP funded soil sampling at the site reveals gross petroleum and lead contamination at the groundwater table. RP has been instructed to install monitor wells but has not responded. Some of the reports and correspondence are attached as follows:

- a. 10/5/72 memo regarding dumping of battery cases at Matteo;
- b. 11/2/72 letter regarding request by Matteo to operate a landfill;
- c. 12/28/72 letter withdrawing same request;
- d. 5/19/75 memo regarding dumped battery cases;
- e. 10/17/78 memo regarding inspection of site;
- f. 2/1/83 memo regarding drums on site;
- g. 1/5/84 AO/OOS regarding drums;
- h. 1/12/84 letter from Matteo paying fine and promise to dispose of waste;
- i. 5/23/84 memo regarding fire and waste at site;
- j. 8/28/84 sampling event report;
- k. 1/18/85 sample results;
- l. 3/11/91 Notices of Violation;
- m. 1/15/92 investigation report regarding RP funded sampling event;
- n. 5/21/92 MOA offer letter;
- o. 5/28/92 letter summarizing results of sampling event;
- p. 6/22/92 letter requesting MOA meeting;
- q. 11/24/92 memo from geologist regarding site investigation; and,
- r. 12/15/92 letter to RP regarding minimum next phase required under MOA;

### 5. Regulatory and Enforcement History

**Permits (issuing agency, type, date):** Unaware of any permits.

**Key Enforcement Actions (agency, type of action, date):** See 4 above.

**Inspection/Investigation Findings (agency, type inspection, date, findings):** See 4 above.

**MOA Application Sent? (date and results):** Yes. See 4 above.

**Any Additional DEPE Involvement (example: RCRA Part B is being denied by BEWE):** No. There may be solid waste, wetlands and RCRA issues, but DRPSR is only agency involved.